



# Staff Report for Administrative Approval

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action on an alternative access request to use a private right-of-way as the primary access for two lots within a four-lot subdivision.

**Agenda Date:** Wednesday, October 06, 2021

**Applicant:** Scott Hale (Owner)

**File Number:** AAE 2021-10

### Property Information

**Approximate Address:** 5638 N 3100 E, Liberty, UT 84310

**Project Area:** 2.98 Acres

**Zoning:** Agricultural Valley 3 Zone (AV-3)

**Existing Land Use:** Vacant

**Proposed Land Use:** Residential

**Parcel ID:** 22-004-0142

**Township, Range, Section:** T7N, R1E, Section 7

### Adjacent Land Use

<b>North:</b> Vacant	<b>South:</b> Vacant
<b>East:</b> Residential	<b>West:</b> Residential

### Staff Information

**Report Presenter:** Felix Lleverino  
flleverino@co.weber.ut.us  
801-399-8767

**Report Reviewer:** RG

## Applicable Land Use Codes

- Title 104 (Zones) Chapter 6 (Agricultural Valley 3 (AV-3) Zone)
- Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations) Section 29 (Flag lot access strip, private right-of-way, and access easement standards)
- Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations) Section 31 (Access to a lot/parcel using a private right-of-way or access easement)

## Development History

Alternative Access Approval for file number AAR 2021-02 was granted in a public meeting held on April 7<sup>th</sup>, 2021. Following approval it was discovered that the Weber Morgan Health Department required that the lots be reconfigured to accommodate for the placement of wells and septic systems. A development re-design now requires an alternative access for two lots.

On September 22, 2021, this proposal was presented for administrative approval. The Planning division tabled the decision until the owner can display connectivity via a public road or public pathway.

## Summary

The applicant is requesting approval of a private access easement for two lots in a future four-lot subdivision. The narrative in Exhibit A describes how the alternative access is applicable in this situation. The qualifying criteria posed by the applicant is listed below:

1. The property boundary conditions make it impractical to extend a street to serve this one lot.
2. There does not appear to be a path for a new connection to North Fork Road due to the presence of established residential lots.

After reviewing the proposal, the Planning Division concurs that these circumstances warrant a private access easement for a private road.

A concept development plan is included in this report as Exhibit B.

## Analysis

The alternative access option was created as a means for landowners to provide access over, and across areas that restrict the construction of a standard County 66-foot right-of-way. Alternative access applications should be approved as long as the design standards can be implemented during the subdivision process, and the application meets the criteria in LUC §108-7-31(1)(c) which states:

*Based on substantial evidence, it shall be shown that it is infeasible or impractical to extend a street to serve such lot/parcel. Financial adversity shall not be considered; however, circumstances that may support approval of a private right-of-way/access easement as access to a lot/parcel may include but not be limited to unusual soil, topographic, or **property boundary conditions**.*

LUC §108-7-31 outlines the following condition that must be met as part of alternative access approval:

*The landowner of record or authorized representative shall agree to pay a proportionate amount of the costs associated with developing a street if, at any time in the future, the county deems it necessary to have the landowner replace the private right-of-way/easement with a street that would serve as a required access to additional lots. The agreement shall be in the form considered appropriate and acceptable to the office of the Weber County Recorder and shall recite and explain all matters of fact, including a lot/parcel boundary description, which are necessary to make the agreement intelligible and show its successive nature.*

The access easement must meet the design, safety, and parcel/lot standards outlined LUC §108-7-29(a) (b), and (c) before issuance of a certificate of occupancy on any home that will gain access from the access easement. Based on the submitted concept plat (see **Exhibit B**), the proposed access easement would be 30 feet wide and the private drive will be 20 ft. wide and approximately 520 feet long.

### Review Agencies:

The Engineering Division approves of this proposal with the following condition:

1. The access road will need to follow the Alternative Access code described in sec 108-7-29 of the Weber County Code of Ordinances.

The Weber County Fire Marshall approves of this proposal with the following conditions:

1. At the termination point of the driveway, there will need to be an approved turn-around.
2. At the time of building, the Fire District will review for the potential placement of a fire hydrant.

## Staff Recommendation

Staff recommends approval of AAE 2021-10, to provide access by private access easement to two lots within a future four-lot subdivision. The recommendation for approval is subject to review agency requirements and the following conditions:

1. The private access shall comply with the design, safety, and parcel/lot standards, as outlined in LUC §108-7-29.
2. The applicant shall agree to file the required alternative access covenant, as outlined in LUC §108-7-31, before the recording of the future subdivision.
3. The development plan display connectivity via a public road stub or public pathway stub.
4. The improved travel surface of the access easement shall be a minimum of 12 feet wide and shall be capable of supporting 75,000 lbs. Also, and Per LUC Sec. 108-7-29(a)(5), a turnout measuring 10'x40' will be required at the midpoint of the access easement.

Approval is based on the following findings:

1. The applicant has demonstrated that extending a fully improved road to one lot is not practical due to the parcel's property boundary conditions.

**Administrative Approval**

Administrative final approval of AAE 2021-10 to create a private road that would serve as access to two lots in a future residential subdivision.

Date of Administrative Approval: 10/6/21

  
Rick Grover  
Planning Director

**Exhibits**

- A. Alternative Access Exception Application
- B. Concept Plat

**Property Map**



**Memo**

Bright Acres Subdivision alternative access

Date: August 12, 2021

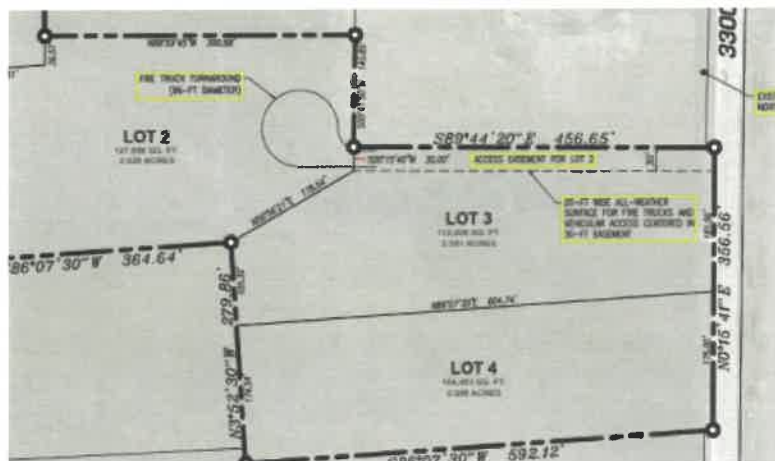
**Regarding:** Request for the previously approved alternative access for the proposed Bright Acres Subdivision to provide access to a second Lot based on a property boundary realignment requested by the Weber Morgan Health Department

**Applicant:** Scott and Rachel Hale, 983 E Bella Vista Dr Fruit Heights, Utah 84307, 801-792-4065, [Scottchale@gmail.com](mailto:Scottchale@gmail.com)

**To:** Weber County Planning Department, 2380 Washington Boulevard, Suite 240, Ogden Utah, 84410

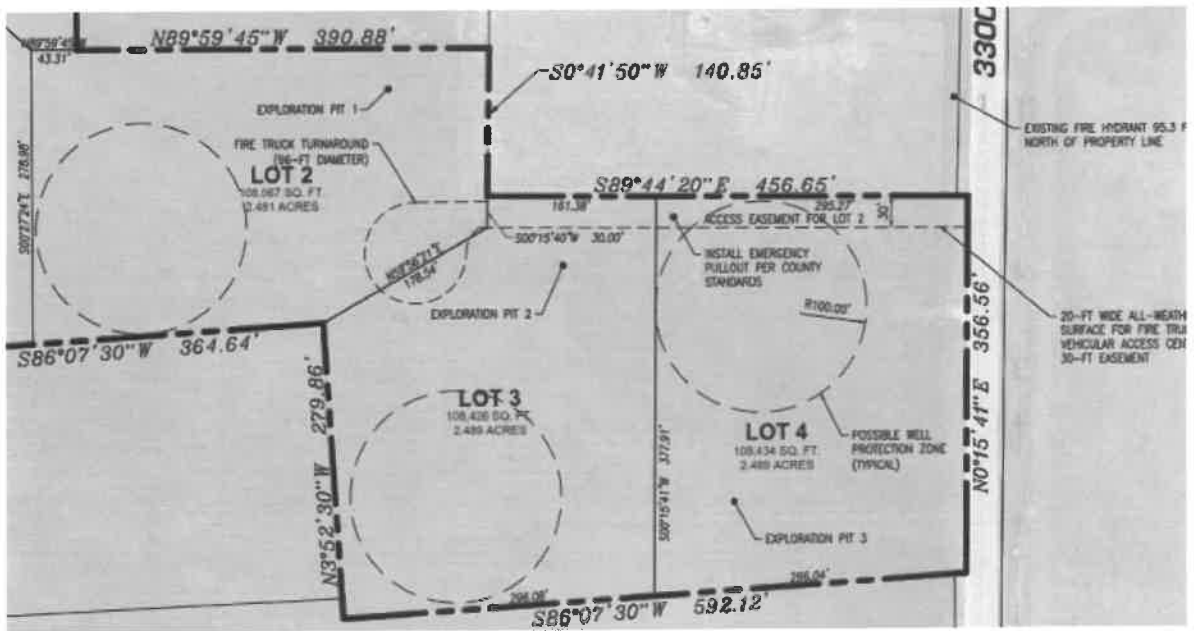
**Request**

Mr. and Mrs. Hale would like approval from Weber County for a private driveway access to two residential lots in a proposed four residential lot subdivision on an approximately 14 acre parcel at approximately 5638 N 3100 E Liberty, Utah 84310. The original design of the subdivision required alternative access via a private driveway for one of the four lots (lot 2), which alternative access was approved by the county. Below is an image of original plan for lots 2, 3 and 4, showing the approved alternative access for lot 2 and the originally proposed property boundaries between these lots.



When the Weber Morgan Health Department reviewed the originally proposed subdivision, they requested that we rearrange the property boundaries between lots 3 and 4 for the following reason. The water for lots 2, 3, and 4 will be provided via a private shared well that has been drilled on lot 2. Water for these lots will be provided by a private well as the local water utility, Liberty Pipe, limits the number of new connections to five per year and sold all available connections in the first half of 2021. Weber Morgan Health department requires that all lots on a subdivision that obtain water from a private well have space for a 200' diameter well protection zone, even though the well is physically

located on only one of the lots. Lots 3 and 4 were less than 200' wide at their widest point and therefore didn't meet this requirement, which is why the health department asked for the boundaries between these lots to be reconfigured. The updated subdivision plan changed the boundaries between lots 3 and 4 to run North and South rather than East and West, creating the need for lot 3 to obtain access to 3300 East via the same alternative private driveway approved for lot 2. As noted in the original alternative access application, the private access is planned to be a 15 to 20 ft wide all weather surface driveway for fire truck (up to 75,000 pounds) and vehicular access, centered in a 20 to 30 ft easement, with an emergency pull out at the mid point, terminating in a fire truck turnaround. Below is an image from the updated subdivision map that shows the proposed property boundaries for lots 3 and 4 and the private drive providing access for lots 2 and 3.



**Reason for the Request**

Sec §108-7-31 of the Weber County Code notes that lots/parcels which do not have frontage on a street, but which have access by a private right-of-way or access easement may, under certain circumstances, use a private right-of-way or access easement as the primary access, subject to approval based on certain conditions being met including:

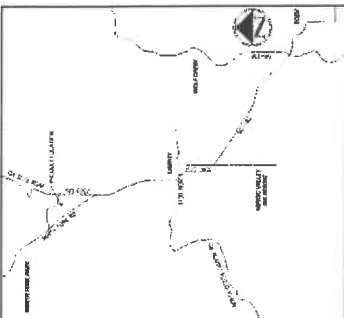
(a)(3) *Based on substantial evidence, it shall be shown that it is unfeasible or impractical to extend a street to serve such lot/parcel. Financial adversity shall not be considered; however, circumstances that may support an approval of a private right-of-way/access easement as access to a lot/parcel may include but not be limited to unusual soil, topographic, or property boundary conditions.*

As also outlined in the original alternative access application, the property boundary conditions around the proposed lots we are seeking alternative access make it impractical to extend a street to serve these lots. The lots sit in the middle of a triangle of land between 5750 N to the North, 3300 E to the East, and North Fork Road to the West. There does **not** appear to be a path for a new road through this triangle of land that would not cut through a developed property enroute to another connecting road and/or that would be beneficial for providing convenient access to owners of surrounding properties.

We own the property on which the proposed private drive access to 3300 E will be built and therefore have the ability to provide the access easement needed for the private drive. Refer to the updated concept plan map that shows the access easement and private drive has been designed to provide safe and consistent access to these lots in accordance with the requirements of Sec 108-7-29.



VICINITY MAP



GRAPHIC SCALE



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DATE	BY	REVISION

WATTS SUBDIVISION (AMENDED)  
 LIBERTY TOWNSHIP (S-10)  
**LAND SWAP EXHIBIT**

PROJECT NO. 19140  
 PROJECT NAME  
 DATE: 06/15/2011  
 SHEET NO. 21

SHEET NO. **EX1**  
 of 1